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August 31, 2010

**BY HAND**

Hon. P. Kevin Castel  
United States District Judge  
United States District Court  
Southern District of New York  
Daniel P. Moynihan U.S. Courthouse  
500 Pearl Street, Room 2260  
New York, New York 10007

**MEMO ENDORSED**

**Re: In Re Bank Of America Corp. Securities, Derivative, And  
Employee Retirement Income Security Act (ERISA) Litigation,  
Civil Action No. 09 MD 2058 (PKC)**

Dear Judge Castel:

We are the Liaison Counsel for the Plaintiffs in the Derivative Action in the above-referenced multi-district litigation pending before your Honor.

Pursuant to the Court's Order of May 19, 2010 (MDL Docket #279), as amended by the Court's Order of June 22, 2010 (MDL Docket #289), and further amended by the Court's Order of July 6, 2010 (MDL Docket #291), Plaintiffs' Counsel in the Derivative Litigation are to file an amended Derivative Complaint to solely include allegations regarding the citizenship of the Financial Advisors on Wednesday, September 1, 2010.

In the Court's Memorandum And Order concerning the Derivative Action in the above-referenced litigation, dated August 27, 2010 (MDL Docket #303), the Court determined that the Derivative Plaintiffs may file a motion to amend within 20 days, which motion will be submitted with a proposed Amended Complaint.

Hon. P. Kevin Castel

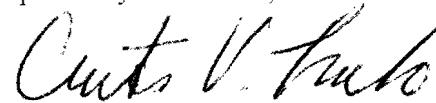
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In order to promote filing efficiencies, and to lessen any confusion that may arise from multiple filings within a short date of each other, Derivative Plaintiffs respectfully request that the aforesaid filing deadline for the amended Derivative Complaint to solely include allegations regarding the citizenship of the Financial Advisors be extended up to the aforesaid deadline for the Derivative Plaintiffs to file a motion to amend, which motion will be submitted with a proposed Amended Complaint, on Thursday, September 16, 2010.]

Granted

Respectfully submitted,



Curtis V. Trinko

CVT/jl

cc: (Via Email)  
Derivative Defendants' Counsel  
Derivative Plaintiffs' Counsel

Granted

SO ORDERED

P. KEVIN CASTEL, U.S.D.J.

8-31-10